

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT LEVANDER

Case No. 2:08-cv-14241

Plaintiff,

Hon: David M. Lawson

-vs-

I.C. SYSTEM, INC., and
JOHN DOE,

Defendants.

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PLAINTIFF'S MOTION FOR LEAVE TO SUPPLEMENT
PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO LIMIT DAMAGES
AND TO STAY PROCEEDINGS

NOW COMES Plaintiff ROBERT LEVANDER, by and through his attorney and hereby requests leave to supplement his Response to Defendant's Motion to Limit Damages and to Stay Proceedings for the following reason:

1. Plaintiff has discovered case law supporting that attorney fees in FDCPA cases are not part of the bankruptcy estate;
2. To cite case law regarding the trustee's failure to object to exemptions precludes property as belonging to bankruptcy estate and;

3. That a debtor who exempts full amount of the property value intends to exempt 100% even if the value turns out to be greater.

4. No party will be prejudiced by Plaintiff supplementing his response.

5. Pursuant to Local Rule 7.1, counsel for Plaintiff spoke with defense counsel on Tuesday, April 28, 2009, seeking concurrence in the relief requested in this Motion and concurrence was denied.

WHEREFORE, Plaintiff requests this Honorable Court grant Plaintiff leave to supplement his response to Defendant's Motion to Limit Damages and to Stay Proceedings.

April 30, 2009

Respectfully submitted

REX ANDERSON PC

By: /s/ Rex C. Anderson
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CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2009 a copy of the above document was filed with the Clerk of the Court using the Court's ECF filing system which will send notification of the filing to the following:

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